

VZCZCXRO8588
RR RUEHCD RUEHGD RUEHMC RUEHNG RUEHNL RUEHRD RUEHRS RUEHTM
DE RUEHHO #0071/01 0831851
ZNR UUUUU ZZH
R 241851Z MAR 09
FM AMCONSUL HERMOSILLO
TO RUEHC/SECSTATE WASHDC 2689
INFO RUEHXC/ALL US CONSULATES IN MEXICO COLLECTIVE
RUEHHO/AMCONSUL HERMOSILLO 3228
RHMFIUU/HQ BICE INTEL WASHINGTON DC

UNCLAS SECTION 01 OF 05 HERMOSILLO 000071

SIPDIS

DEPT FOR CA/FPP, DEPT ALSO PASS TO KCC

E.O. 12958: N/A

TAGS: [KFRD](#) [CVIS](#) [CPAS](#) [CMGT](#) [PTER](#) [MX](#)

SUBJECT: FRAUD SUMMARY---HERMOSILLO (SEPTEMBER 2008-FEBRUARY 2009)

HERMOSILLO 00000071 001.2 OF 005

A. CONSULATE HERMOSILLO CONDITIONS - There is significant fraud within the consular district, most of which is related to the fabrication or alteration of documents that are used to demonstrate employment and economic solvency. Most of the other fraud encountered relates to concealing illegal or illicit behavior such as a history of controlled substance violations, alien smuggling or unlawful presence in the United States. Applicants from Sinaloa, in the southern part of the consular district, tend to present more fraudulent documents and their quality tends to be higher. Sinaloa is also the source for most of the drug trafficking and alien smuggling cases the Fraud Prevention Unit (FPU) investigates.

B. NON-IMMIGRANT VISA FRAUD - The majority of the fraud at the Consulate is related to the issuance of BBCC cards or Machine Readable Visas (MRV). However, during the previous year there has been a marked increase in detection of fraud associated with P and O visas.

i. STATISTICS - The reporting period for the statistics is September through February. Over this period the FPU investigated

426 cases and determined that 134 of them were fraudulent. The result was a total of 134 refusals including family members. There were 43 cases marked clearly fraudulent by the adjudicators (using the "Suspicious Docs" box), resulting in 27 refusals, including family members. There were many more cases in which fraud was suspected or known, but that were not formally referred to the FPU as the applicants did not overcome 214(b). The decrease in cases referred through the NIV system compared with previous reporting periods is attributable to a more than 30 percent drop in visa workload in Hermosillo, yet reflects a consistent level of fraud albeit lower overall case numbers during this reporting period. The incidence of fraud has remained at consistent levels over the last few reporting periods.

ii. DEATH FRAUD - Post continues to see falsified documentation regarding the alleged death of a spouse or parent of an applicant. The majority of the situations involve the applicant attempting to distance him or herself from the allegedly deceased spouse, who had committed a crime or had a visa ineligibility or, in some situations, was alive and well and working in the United States illegally. Adjudicators are trained to be suspicious of cases involving young and recently widowed individuals, particularly when the manner of death is accidental or violent and where the death certificate describes

the official cause of death in layman's (i.e., non-medical) terms (e.g., "firearm" or "car accident"). Most of the fraudulent claims have been uncovered through questioning of the applicants, which reveals inconsistencies in their stories. Adjudicators are also able to utilize the FPU's contacts with the civil registries in the states of Sinaloa and Sonora to check on the validity of death certificates presented in the interviews. Websites and blogs have also been useful in uncovering inconsistencies and misrepresentations and often give specific details regarding the spouse's death. Frequently these cases result in uncovering links to narcotics trafficking rings.

iii. MARRIAGE FRAUD - Post has had several cases of claims to marriage that were determined to be false. Almost all of the incidents were uncovered when the alleged spouses were questioned separately because of suspicions about the validity of the documents or claims. The prevalence of union libre (common-law) marriages in Mexico makes ascertaining true relationships difficult and applicants often use this ambiguous terminology to obfuscate their true socioeconomic ties and intentions. Applicants have presented documents attesting to their legal spouse's employment and solvency while concealing that they do not in fact live with this person but rather with a long-term union libre partner.

iv. PARENT FRAUD - It is very common for people to falsely represent themselves as the parents of a minor child by presenting a valid Mexican birth certificate issued on false information. In a presentation the head of the civil registry for the state of Sonora gave at the consulate, we learned that the civil registry does not question or investigate, or otherwise concern itself with, the legitimacy of parentage

HERMOSILLO 00000071 002.2 OF 005

claims. Rather, it simply accepts an individual's claim that the child is his or hers (even if the alleged parent is quite elderly or there is a significant delay in reporting the birth) and issues a valid birth certificate. FPU has determined that the majority of such cases involve grandparents or other relatives claiming to be the child's parents, oftentimes because one or both of the child's natural parents are illegally present in the United States or otherwise ineligible for visa issuance. Since the certificates are validly issued and registered, the onus is on the adjudicator to uncover the fraud through questioning and common sense. Typical fraud indicators are the age of the mother at the time of birth, the age gap between the alleged parent's other children, late registration of the birth certificate (more than six months), and the alleged mother's inability to credibly describe the circumstances of the birth or pregnancy (including claims that she gave birth at home with no doctor present, had no pre-natal care, etc.). In two recent cases, consular officers uncovered this type of fraud by noting close CLASS hits for prior 214(b) refusals. In both cases there was a slight name difference (different second surname) and the applicant had two valid Mexican identities. In one of these cases, FPU determined that during the first application the alleged father was found to be a narcotics trafficker and that the minor child's aunt had posed as his mother during the second application. The fact that children under seven years of age are not required to appear for these interviews is a significant vulnerability because adjudicators are unable to observe the interaction between child and "parent".

v. H2 VISAS - H2 applicants routinely present themselves inaccurately concerning their previous illegal presence in the U.S. Generally speaking, most fraud is perpetrated on an individual level. Company and or petitioner perpetrated fraud among H2A and H2B petitioners is low, although Post has recently adjudicated several cases in which the facilitating company was charging exorbitant fees to applicants who provided information

during their interviews that contradicted the information provided to DHS during their petition requests. Post continues to send these petitions to DHS for revocation consideration. Post also investigates several suspicious cases involving "head-hunter" agencies that find labor for agricultural companies or construction businesses. In many instances, we have contacted the "head hunter" agencies and have inquired about contracts only to find that there are no contracts in place other than verbal recognition on the part of the company receiving the labor. The FPU hired a new LES member in January 2008 who concentrates on investigating H and L petitions. Since the addition of the LES member, we have developed a screening process for petitioning companies. The FPU conducts research on the petitioner using Google and Lexus Nexus to confirm the validity of the petitioning company. In August 2008, the FPM and the LES that conducts H & L investigations traveled to Monterrey to observe their FPU and how they conduct H & L investigations and since then several of these measures have been incorporated into Hermosillo's investigative practices.

vi. P and O Visas - Post continues to investigate multiple P-1 and O-2 petitions filed over the past year by Susan M. Jeannette Talent Agent, aka The Law Offices of Kevin M. Tracy, aka North County Legalization Services. The results of these investigations lead us to firmly believe the petitioner is attempting to subvert immigration laws in order to obtain visas for clients under repeatedly false pretense and/or outright misrepresentation. Petition revocation requests were sent to KCC on several petitions involving the same petitioner. The FPU has also learned that other consulates in Mexico have had similar experiences with this petitioner and have sent several cases to KCC for petition revocation consideration. In the course of our investigation, we have obtained fraudulent contracts for performances produced by the petitioner and signed confessions by an applicant that implicates the petitioner directly in a scheme to fraudulently obtain a visa. We have requested that KCC FPU open an investigation on this petitioner and have also referred this case to the A/RSO-I at Post.

1C. IMMIGRANT VISA FRAUD - Post does not process Immigrant Visas

1D. DIVERSITY VISAS - Post does not process diversity visas

HERMOSILLO 00000071 003.2 OF 005

1E. AMERICAN CITIZEN SERVICES AND U.S. PASSPORT FRAUD - The ACS fraud concerning passport applications has been negligible to this point, though it is expected to increase under the recently implemented Western Hemisphere Travel Initiative (WHTI) land border crossing requirements. In this reporting period, FPU investigated 7 cases of suspected passport fraud. Six of these cases resulted in a finding of fraud not indicated and one is outstanding with a suggestion of DNA evidence submission.

1F. ADOPTION FRAUD - Post does not process adoptions of Mexican nationals by American citizens

1G. USE OF DNA TESTING - Post primarily uses DNA testing as a means of assuring that transmission requirements are met for CRBA cases. ACS has used DNA testing in six instances during this reporting period. In four of the six incidences, the DNA results have supported the applicant's claims; two cases are outstanding. DNA is oftentimes the only viable means of

confirming the relationships that are claimed due to either a lack of evidence or conflicting evidence. Post makes suggestions for DNA testing to be conducted on such cases but makes it known that DNA tests are not required. The most common DNA cases are those in which the father of the child in question was either not married to the mother at the time of conception or was married to another woman. ACS has also had multiple cases where a man has a family in the U.S. but also claims to be the father of children with a Mexican mother. DNA testing has also been suggested in cases when the identity of the mother is in question. However, in several cases the applicants have backed down from their claims of being the biological parents or simply have never completed the test. In these few rare cases the lack of willingness to complete the DNA test is usually seen as admission that the claim was false. FPU began an investigation on February 24 involving a Mexican woman and a member of the U.S. armed forces attempting to obtain a CRBA for a child she claims to have given birth to recently. Because of inconsistencies and changes in her story regarding the approximate date of conception, where she received her prenatal care, FPU requested that she consider DNA testing. She was unwilling to do undergo this procedure, stating that she wanted the alleged father to believe her story without submitting proof. Corroborating evidence such as the absence of a record in the federal online birth registry, a mismatch on footprint size on the birth record, and her claim that the child was born in Durango but registered in Sonora also suggest fraudulent activity. FPU is current continuing the investigation.

1H. ASYLUM AND OTHER DHS BENEFIT FRAUD - No cases have been uncovered during the reporting period.

1I. ALIEN SMUGGLING, TRAFFICKING, ORGANIZED CRIME, TERRORIST TRAVEL - During this reporting period, post has investigated several cases involving suspected alien smuggling networks that provide fraudulent documents to NIV applicants. The FPU regularly interviews applicants suspected of having association with the smuggling networks and generally have encountered an unwillingness to provide any information. Organized crime related to narcotics trafficking in the consular district is an on-going concern for Post. During the previous reporting period, the Treasury Department's Office of Foreign Assets Control (OFAC) designated several individuals residing in our consular district pursuant to the 1999 Foreign Narcotics Kingpin Designation act. Post revoked visas for each individual named who had been issued in Hermosillo.

1J. DS CRIMINAL FRAUD INVESTIGATIONS - The A/RSO-I program at Post began operations in January 2008. The FPM consults directly with the NIV Chief, ACS Chief and/or CSC regarding cases that are deemed appropriate for referral to the A/RSO-I, in accordance with the SOP established during the previous reporting period. There are three broad categories of fraud that are referred to the A/RSO-I. (1) Cases that appear to have links to terrorism, organized crime, large scale alien smuggling or trafficking in persons; (2) cases involving wanted persons (WP Class hits); (3) cases indicating a large, complex and/or on-going fraud operation. The FPM and A/RSO-I hold bi-weekly meetings to discuss on-going cases. The NIV chief, CSC and RSO also attend the meetings. The meetings are used to track the progress of cases and to provide feedback to the consular section on pending cases.

HERMOSILLO 00000071 004.2 OF 005

1K. HOST COUNTRY PASSPORT, IDENTITY DOCUMENTS AND CIVIL REGISTRY - The Mexican government has updated the Mexican

passport twice since the beginning of 2008. The issuing government agency, Secretaria de Relaciones Exteriores (SRE), has been cooperative in sharing information related to security features in each version of the passport. Post has incorporated the passport security features into the post-specific fraud training that it conducts with new officers. Identity documents are an on-going concern for both NIV and ACS. Mexican Citizens (or TCNs) can obtain with relative ease valid official identity documents from both the Sonoran and Sinaloa Government's Vital Records offices containing falsified information. The standards of proof for vital records are much less stringent than in the U.S. and Mexican Vital Records offices accept documents from citizens "bona fide" in the issuance of official identity documents. The cases most commonly observed are birth certificates obtained with falsified information. This is a particular area of vulnerability as Mexican Citizens can obtain a valid Mexican passport with a birth certificate obtained through fraudulent information. During this reporting period the FPU has investigating several incidents of suspected Mexican passport fraud whereby children have two known identities (as referred to in the section on parent fraud) as well as one case referred to us by the Lukeville, AZ POE in which the subject had a validly-issued Mexican passport, Sonora state driver's license, and federal voter ID card. SRE and the Sonora civil registry confirmed with FPU that while these documents were issued by competent state and federal authorities, the information, specifically the birth certificate, used to obtain them, was falsified. This case outlines the lax standards applied to citizenship determination by Mexican authorities as well as the ease with which individuals are able to suborn public officials to obtain primary documents attesting to their assumed identity.

1L. COOPERATION WITH HOST GOVERNMENT AUTHORITIES - The FPU continues to maintain good cooperation with both host government officials as well as contacts within private institutions such as banks. FPU and the NIV unit continue to secure access to local, state and federal government databases which greatly help resolve cases referred to FPU during ACS and NIV adjudications. The FPU has used these resources to assist not only the NIV and ACS sections, but also USCIS field offices in the U.S. seeking to verify applicants' sworn testimony. In once recent case, the FPU was able to show that an individual was involved in a bigamous relationship and therefore ineligible for residency as the spouse of a U.S. citizen. The A/RSO-I continues to hold meetings with officials from Procuraduria General de la Republica (PGR), Agencia Federal de Investigaciones (AFI), Policia Federal Preventiva (PFP), and Policia Estatal Preventiva (PEP) to address issues regarding U.S. passport fraud and human trafficking. The A/RSO-I reports a willingness on the part of the PGR to pursue prosecutions against individuals and organizations that perpetrate visa and passport-related fraud, although in practice these institutions often exhibit reservations in acting on these types of cases and when PGR or AFI have made arrests, prosecution has been haphazard and unaggressive. Last month the ARSO-I program hired an FSN-I to assist in these investigations and Post is hopeful that this additional resource will increase local government cooperation.

1M. AREAS OF PARTICULAR CONCERN -

i. The FPU and NIV unit have noticed an unusually high number of applicants filing lost/stolen visa reports, often months or years after the alleged incident. In many of these cases there are strong fraud indicators including late filing of a police report, filing in a jurisdiction other than where the alleged incident took place, and failing to report any other valuables lost in a home robbery or purse snatching. Because of the relative ease of selling or renting a border crossing card and the sheer number of I-275 reports on visa imposters using border crossing cards, Post has serious concerns about the incidence of visa sale/rental and is currently instituting

policies to investigate these claims more thoroughly. Post continues to actively monitor the incidence in fraud associated with Border Crossing Cards.

HERMOSILLO 00000071 005.2 OF 005

ii. Post has had great success in uncovering visa fraud using two simple but often overlooked technologies. The first is Independent Name Check (INK). Post has implemented a policy to perform an INK inquiry on spouses and parents of visa applicants who do not hold visas and are not applying at the same time as the applicant. Often this scenario results in finding out that the spouse or parent who "doesn't like to travel" actually has a history of unlawful presence in the U.S. and/or a criminal record. In some cases, such as drug trafficking, this results in an ineligibility finding for the applicant as well. The second strategy, recently recognized by Secretary Clinton in a town hall meeting in Washington, is utilizing social networking sites like Facebook. An officer in Hermosillo recently uncovered a network of young professionals from upper-class families residing in Boston, Massachusetts after having obtained border crossing cards for tourist travel.

1N. STAFFING AND TRAINING - The FPM is a rotation among Entry Level Officers (ELO) at Post. Currently the FPM is Jacob Schultz, who took over the rotation in February 2008. ELO Schultz attended PC541 at FSI in February as he began his rotation. The next ELO rotation into the FPM role is expected in October 2009. The FPU staff consists of three FSNs, Omar Zamora, Marina Frock and Teddy Lopez, all FSN-7s. Marina Frock attended PC542 for FSN fraud investigators in March 2008 at FSI and Teddy Lopez attended a Mexico-wide FSN fraud conference in Ciudad Juarez in February 2008 and PC542 at FSI in March 2009. All FSNs in the FPU have participated in FSI Distance Learning.
BREIDENSTINE